

LUXAN & MURFITT

PROFESSIONAL LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW

MONTANA CLUB BUILDING • 24 W. SIXTH AVE.
P.O. BOX 1144 • HELENA, MONTANA 59624

(406) 442-7450
FAX (406) 442-7361

FILED

December 21 2009

GARY L. DAVIS
HARLEY R. HARRIS
ERIN F. MacLEAN
PATRICK E. MELBY
CANDACE C. PAYNE
DALE E. REAGOR
MONICA J. TRANEL

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

WALTER S. MURFITT (1930-2002)
H.J. LUXAN (1918-1984)

VIOLA J. ZINDELL, CLA, PARALEGAL
LISA A. THOMPSON, CLA, PARALEGAL

MEMORANDUM

To: Ed Smith

From: Gary Davis

Subject: Mediator appointment, DA 09-0602

Date: December 17, 2009

FILED

DEC 21 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Ed: You had no way of knowing that I am retiring at the end of 2009, and I will be in Arizona until about February 5th. Therefore, I cannot accept this appointment, and I request that you remove my name from the list of appellate mediators. Thanks!